

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----x  
UNITED STATES OF AMERICA

-v-

CHARUDET SMITH,

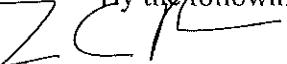
STIPULATION IN SUPPORT  
OF APPLICATION FOR  
7<sup>TH</sup> OR SUBSEQUENT  
ORDER OF CONTINUANCE AND  
9<sup>TH</sup> ORDER OF CONTINUANCE

Defendant.

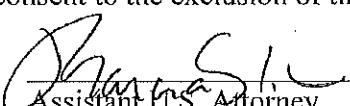
24 Mag. 00551  
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The United States of America and the defendant jointly request and agree that the time period from **10/16/2024** to **11/13/2024** be excluded from the computation of the period within which an information or indictment must be filed, pursuant to Title 18, United States Code, Section 3161(b) and (h)(7). The parties submit that there is good cause for an additional exclusion of time. The defendant is charged with violating Title 18, United States Code, Sections 2251(a) (sexual exploitation of a child). This charge carries a mandatory minimum of 15 years' imprisonment. The parties have been exploring a possible disposition of this case prior to trial. Defense counsel, Isabelle Kirshner, Esq. and Thomas Rotko, Esq., retained a psychiatrist to examine the defendant. Counsel provided the psychiatrist's report to the Government on August 14, 2024. After reviewing the report, the Government concluded that it would be worthwhile to have a second psychiatrist examine the defendant and prepare a report with respect to the defendant's competency. On September 11, 2024, with the consent of the parties, the Honorable Victoria Reznik ordered Dr. Stuart Kleinman, a psychiatrist, to examine the defendant to determine whether he can understand the nature and consequences of the proceedings against him and whether he can assist properly in his defense, and to prepare written findings regarding his conclusions. Dr. Kleinman is in the process of reviewing materials before he can examine the defendant. Accordingly, the adjournment is necessary.

By the following signatures we agree and consent to the exclusion of time noted above:

  
 Defendant's Counsel  
 Thomas Rotko, Esq.

 10/15/2024  
 Date

  
 Assistant U.S. Attorney  
 Marcia S. Cohen

 10-15-2024  
 Date

The defendant states that he has been fully advised by counsel of his rights guaranteed under (a) of the Sixth Amendment to the Constitution; (b) the Speedy Trial Act of 1974, as set forth in Title 18, United States Code, Sections 3161-74; and (c) the plans and rules of this Court adopted pursuant to that Act. The defendant understands that he/she has a right to be charged by indictment or information, and to have a trial before a judge or jury, within a specified time (excluding certain time periods) under the Constitution and Rules and Laws of the United States identified above. The defendant consents and agrees to the above request. **Defense counsel has**

discussed this stipulation with the defendant and has the defendant's authorization to sign on his behalf.

 For Charudet Smith

Defendant

CHARUDET SMITH

10/15/2024

Date

The joint application of the United States of America and the defendant having been heard at a proceeding on the date below, the time period from **10/16/2024** to **11/13/2024** is hereby excluded in computing the time within which an indictment or information must be filed. The Court grants this continuance on the finding that the ends of justice outweigh the interests of the public and the defendant in a speedy trial, for the reasons set forth above. The Court further orders: JM.

Dated: 10-16-2024  
White Plains, New York

**SO ORDERED**

  
Hon. Judith C. McCarthy  
United States Magistrate Judge